

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Avi Ashkenazi et al.

App. No.: 10/265,542

Filed: 10/03/2002

For: USE OF A33 ANTIGENS AND JAM-IT

Commissioner for Patents  
Washington, DC 20231

Sir:

STATEMENT OF FACTS IN SUPPORT OF 37 CFR 1.47(a) PETITION

This statement sets out the facts that are relied upon to establish the refusal by the non-signing inventor Mr. Daniel Tumas to join in this application by his refusal to sign the declaration for the application. It is made by a person having first-hand knowledge of the facts recited therein.

The currently known residence address of Mr. Tumas is:

3 Rae Avenue  
Orinda, CA 94563  
Tel.: 925-376-3935

Attached to this Statement is a copy of a letter, enclosing the above identified application, sent to Mr. Tumas requesting him to sign the declaration and the assignment. The letter was sent to Mr. Tumas by Federal Express on December 19, 2002. A confirmation of delivery received from Federal Express is also attached to this Statement.

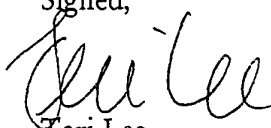
On January 8, 2003 at 3:10 PM and on January 14, 2003 at 3:00 PM I telephoned Mr. Tumas at his current residence. I left him a detailed message on both occasions regarding the above-identified application and requested him to contact me. Mr. Tumas did not return my telephone calls.

On January 22, 2003, I was present when Dr. Elizabeth Barnes, an attorney at Genentech, telephoned Mr. Tumas at his current residence. Dr. Barnes requested Mr. Tumas to confirm receipt of the letter and asked him to return the signed declaration and assignment for the above-identified application. Mr. Tumas did not return Dr. Barnes' telephone call.

Non-signing inventor Mr. Tumas is no longer an employee of Genentech, Inc.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed,



Teri Lee

Date: 2/7/03

Attachments: Letter to Mr. Daniel Tumas  
Confirmation of delivery by Federal Express

SV 415597 v1  
02/07/03 10:43 AM



UNITED STATES PATENT AND TRADEMARK OFFICE

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39766-0100  
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Paper No. 6

HELLER EHRMAN WHITE & MCAULIFFE LLP  
275 MIDDLEFIELD ROAD  
MENLO PARK, CA 94025-3506

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APR 29 2003 MAY 05 2003

OFFICE OF PETITIONS  
HELLER EHRMAN

In re Application of  
Avi Ashkenazi et al  
Application No. 10/265,542  
Filed: October 3, 2002  
For: USE OF A33 ANTIGENS AND JAM-  
IT

:  
:  
: DECISION GRANTING  
: STATUS UNDER 37 CFR 1.47(a)  
:  
:

This is in response to the petition under 37 CFR 1.47(a), filed February 19, 2003.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (703) 306-5684.

This application is being forwarded to the Initial Patent Examination Unit.

*Frances Hicks*  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

DOCKETED-vrs



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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Daniel Tumas  
3 Rae Avenue  
Orinda, CA 94563

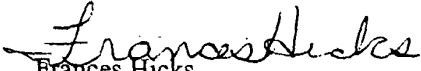
In re Application of  
Avi Ashkenazi; Sherman Fong; Audrey Goddard; Austin L. Gurney; Mary A. Napier; Daniel Tumas;  
William I. Wood  
Application No. 10/265,542  
Filed: October 3, 2002  
For: USE OF A33 ANTIGENS AND JAM-IT

Dear Mr. Tumas:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (703) 306-5684. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

Heller, Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506